

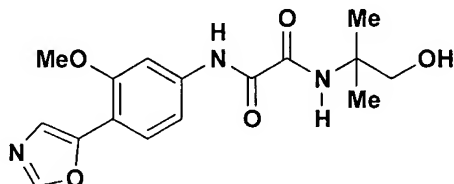
REMARKS

Status

Claims 1-22 were canceled and new Claims 23-39 were added in the Preliminary Amendment dated November 19, 2003. Claims 23-34 will be pending upon entry of this amendment and Claims 35-39 will be withdrawn

Response to Restriction Requirement

The Office Action states that the claims of this application recite two (2) separate classes of invention. The Office Action requests that the applicant elect one of these classes for prosecution. Applicants elect for prosecution, with traverse, compounds falling in Group I and the species of Example 15 (shown below, also submitted in the Preliminary Amendment dated November 19, 2003).



Claims 23-29 and 34 are readable on this species. Applicants understand that the species is a provisional election for purposes of search and examination, and that, if the species is found to be allowable, Applicants' claims covering the entire election will be fully considered and examined. Applicants have withdrawn Claims 35-39 identified by the Examiner as belonging to Group II. No new matter has been introduced into this application by reason of the amendments presented herewith. Applicants reserve the right to either rejoin the process (e.g. "method-of-use") claims pursuant to MPEP §821.04 or present claims to the non-elected invention in one or more divisional applications.

The restriction requirements as set forth in the June 29, 2004 Office Action are traversed.. Applicants contest, in particular, the restriction requirement upon the divisional of an application already subject to extensive restriction. Additionally, all the method-of-use claims allocated to Group II are ultimately dependent upon and, accordingly, are coextensive with the claims describing the Group I, compositions. Thus, only one search would be required for both Group I and Group II.

MPEP §803.01 addresses this situation as follows:

[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

For the foregoing reasons, Applicants assert that examination of the entire application would not pose a serious burden and request withdrawal of the restriction requirement.

Fees

No fees should be due. However, if it is determined that a fee is due, please charge same to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Summary

The Examiner is invited to call the undersigned if this would expedite the prosecution of this application.

Respectfully submitted,

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